

**REGULATIONS GOVERNING THE AWARDING AND ADMINISTRATION OF
FUNDS FOR HOUSING AND COMMUNITY DEVELOPMENT BY STATE
DEPARTMENTS, AGENCIES, BOARDS AND COMMISSIONS.**

1. Purpose

- (a.) The purpose of these regulations is to implement, in part, amendments to R.I General Laws, Chapter 45-53 entitled “Low and Moderate Income Housing” and;
- (b.) Specifically to address subsection 45-53-4(e), Procedure for approval of construction of low or moderate income housing, that provides that:

“In planning for, awarding and otherwise administering programs and funds for housing and for community development, state departments, agencies, boards and commissions, public corporations, as defined in chapter 35-18, shall among the towns subject to the provision of subsection 45-53-3(ii) give priority to the maximum extent allowable by law, to towns with an approved affordable housing plan. The director of administration shall adopt not later than January 31, 2005, regulations to implement the provision of this section.”

2. Applicability

These regulations apply to any housing or community development grant or program funded in whole or part by state funds, or funds which, in accordance with federal grants or otherwise, a state agency expends or administers or in which a state agency is a signatory. The regulations apply to state departments, agencies, boards and commissions. Public corporations, as defined by R. I. General Laws, Section 35-18-2(10), such as, but not limited to, the Rhode Island Economic Development Corporation, the Rhode Island Housing and Mortgage Finance Corporation and the Rhode Island Water Resources Board are also subject to the requirements as described in these regulations.

3. Definitions

The terms or phrase “**programs and funds for housing and community development**” shall be defined and interpreted broadly, and shall include programs and funds that support housing and community development activities both directly and

indirectly. Direct support includes agency grants, loans and loan guarantees, tax credits, rental support payments to property owners or tenants, below market land sales, or other financial assistance designed to result in:

- A. the construction of new or rehabilitation or repair of existing housing units, and/or the assemblage, preparation, and/or remediation of sites for the production of housing units; or
- B. the provision of facilities, sites, or services intended to result in the improvement of the physical, social and/or economic conditions of the community, including, but not limited to the provision of new or enhanced water supply, wastewater treatment and/or transportation infrastructure.

Indirect support includes agency programs providing non-monetary assistance for housing or community development, including, but not limited to services such as permit expediting, technical assistance, or hazard abatement that are intended to support the activities and outcomes identified in subsections (A) or (B) above

Affordable housing plan means a component of a housing element of a local comprehensive plan that is required by RI General Laws, Section 45-22.2-(6)(3) and that is prepared in accordance with guidelines adopted by the state planning council.

Agency means state departments, agencies, boards and commissions, public corporations, as defined in RI General Laws, Chapter 35-18.

Approved affordable housing plan means an affordable housing plan that has been approved by the director of administration pursuant to RI General Laws, Section 45-22.2-9 as meeting the guidelines for the local comprehensive plan as promulgated by the state planning council.

Director means the director of the department of administration or any person whom he/she has designated to act for him/her.

Priority means the documented qualitative and/or quantitative measure awarded to grants and/or programs from communities with approved affordable housing programs.

Program or Statewide Planning Program means the planning program established by R.I General Laws, Section 42-11-

10(b)(1) to prepare, adopt, and amend strategic plans for the physical, economic and social development of the state.

4. Program Identification

- (a) Not later than March 31, 2005 agency directors shall provide to the director a listing of those programs and funds for housing and community development within their jurisdiction that comply with the definition of the same above. Agencies shall update this list as needed but not less than annually.
- (b) Not later than May 30, 2005 the chief of the Statewide Planning Program shall compile a list of communities that have approved affordable housing plans and provide said list to those agencies that have provided the director with a listing of programs and funds for housing and community development. Said list shall be updated on a monthly basis for the balance of the calendar year 2005 and on an as needed basis thereafter.
- (c) Not later than June 30, 2005 agencies shall amend their policies governing the administration of programs and the award of funds for housing and community development to provide for priority consideration of requests for said programs and funds from communities with approved affordable housing plans. Within five (5) business days of adoption and filing of amendments to their program policies, agencies shall report, in writing, to the chief of the Statewide Planning Program the quantitative and/or qualitative measure of said amendments, and shall similarly report any future changes to said quantitative and/or qualitative measure upon their adoption and filing
- (d) Not later than August 31, 2005 the director shall provide communities with approved affordable housing plans a listing of those programs and funds for housing and community development that have been modified to give priority to those communities with approved affordable housing plans. Said listing shall be updated as necessary, but not less than annually.